

REMARKS

Upon entry of the present amendment, claims 1, 3, 5, 6 and 8 will have been amended to clarify the recitations thereof but not in view of the prior art. Additionally, claims 9-20 will have been submitted for consideration by the Examiner.

In view of the hereincontained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding rejections set forth in the above-mentioned Official Action. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant respectfully wishes to thank the Examiner for acknowledging his claim for foreign priority under 35 U.S.C. § 119 as well as for confirming receipt of the certified copy of the foreign priority document upon which the claim for foreign priority is based.

In the outstanding Official Action, the Examiner rejected claims 1-8 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner asserted that the claims are indefinite because that they fail to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner asserted that the recitation that the sub frame covers an outer circumferential surface of the cylinder is inaccurate. The Examiner asserted that the “oil flow path” is formed by the sub frame and the cylinder.

Applicant respectfully traverses the Examiner’s assertion. In this regard, Applicant notes, as a non-limiting example, the illustration of Applicant’s invention as shown in Fig. 7 wherein it is clear that the main frame (121A) and the cylinder (141) cooperative to define a portion of the “oil flow path”. Of course, the Examiner is correct in that the sub frame is also configured to form the “oil flow path”.

Nevertheless, and in order to resolve the Examiner's concerns, claim 1 has been amended so as to more clearly define the various recited components that define the "oil flow path" which has now been recited as "an oil pocket".

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of the claims under 35 U.S.C. § 112, second paragraph.

In the outstanding Official Action, the Examiner rejected claims 1, 2, 5 and 6 under 35 U.S.C. § 102(e) as being anticipated by JUNG et al. (U.S. Patent No. 6,960,067). Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as being anticipated by OH et al. (U.S. Patent No. 6,202,791). Claims 3, 4 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over either of OH et al. or JUNG et al. Applicant respectfully traverses each of the above-noted rejections.

Initially, Applicant notes that JUNG et al. is assigned to the same Applicant as the present application and since it is only available as a reference under 35 U.S.C. § 102(e), it is not available under 35 U.S.C. § 103 due to the provisions of 35 U.S.C. § 103(c).

Additionally, and independently for the above, Applicant respectfully submits that the disclosure of JUNG et al. is insufficient and inadequate to render unpatentable any of the claims in the present application.

In setting forth the rejection of claims 1, 2, 5 and 6 under 35 U.S.C. § 102(e) as anticipated by JUNG et al., the Examiner asserted that JUNG et al. discloses a reciprocating compressor having a main frame 1, a cylinder 3 and a sub frame 20. Applicant respectfully submits that the main frame, the cylinder and the sub frame as identified by the Examiner in JUNG et al. do not define an oil pocket as recited in Applicant's claims. In particular, the so-called sub frame 20 is, in fact, a burr-shielding ring which, as can readily be seen with respect to,

e.g., Fig. 6, is not positioned or configured to, in any manner, define an oil pocket. On the contrary, the burr-shielding ring 20 is provided to prevent the outer circumferential surface of the frame from being scratched and, at the same time, to collect and receive burrs even if the burr is generated by a scratch. Moreover, the burr-shielding ring 20 is positioned between the outer circumferential surface of the boss portion 1a and the inner circumferential surface of the inner stator 4A. Moreover, the burr-shielding ring 20 covers the entire portion where the frame and the inner stator are in contact with each other.

Accordingly, it is quite clear that JUNG et al. does not disclose at least the sub frame recited in the combination of Applicant's claim 1. Accordingly, for at least this reason, Applicant respectfully requests reconsideration and withdrawal of the rejection of any of the claims as either as anticipated by JUNG et al. or even as rendered unpatentable by JUNG et al.

In setting forth the rejection of claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by OH et al., the Examiner asserts that OH et al. discloses a main frame 20, a cylinder 30 and a sub frame 3 and "the element near 11 forming the oil-flow suction path". Applicant respectfully traverses the Examiner's rejection and submits that OH et al. does not teach, disclose nor render obvious the combination of features recited in Applicant's invention.

In particular, Applicant respectfully submits that OH et al. does not disclose at least a sub frame, as recited in the claimed combination and as defined by at least Applicant's claim 1. In particular, element 3, is a valve assembly cover rather than a sub frame. Moreover, the "element near 11" is not a sub frame, as that term is defined in Applicant's claims but appears to merely be an element of the oil supply unit 11, if Applicant's understanding of the Examiner's reference to "the element near 11" is correct.

As is clearly apparent from the paragraphs at column 1, lines 31-53, of OH et al., the compressor includes a hollow cylindrical frame 20, a hollow cylindrical cylinder 30 and the oil supply pocket 31a is formed “at a lower portion contacting with the frame 20 and the cylinder 30” (column 1, lines 46-47). Thus, as is apparent, neither the cover 3 nor “the element near 11” defines the oil pocket in OH et al.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of these rejections under 35 U.S.C. § 102.

Applicant additionally traverses the Examiner’s rejection of claims 3, 4 and 8 under 35 U.S.C. § 103 as unpatentable over either of OH et al. or JUNG et al.

In asserting the rejection of claims 3, 4 and 8, the Examiner takes official notice of the conventionality of welds, nuts and bolts as well as of the use of non-magnetic materials. However, while nuts, bolts and welds are well-known and while non-magnetic materials are also well-known, Applicant respectfully submits that it is inappropriate for the Examiner to take official notice that such materials or devices can be used as engaging means for a cylinder and frame components or for frames and sub frames.

Accordingly, if the Examiner persists in this rejection, the Examiner is respectfully requested to provide evidence, in the prior art, of these facts.

Moreover, this rejection also cannot overcome the above-noted deficiencies and shortcomings of the disclosures of OH et al. and JUNG et al. with respect to the independent claims. For this additional reason, it is respectfully submitted that claims 3, 4 and 8 are patentable over the references of record in the present application.

In the outstanding Official Action, the Examiner objected to claim 7 as being dependent from a rejected base claim. However, the Examiner indicated that this claim would be allowable

if rewritten into independent form including all the limitations of the base claim and any intervening claims.

By the present response, Applicant has rewritten claim 7 into independent form as claim 12. In so rewriting claim 7, Applicant has further revised the language thereof to be more fully in accordance with English language grammar, syntax and idiom. Applicant respectfully submits that claim 12 is allowable over the prior art of record at least in accordance with the Examiner's indication with respect to claim 7.

By the present response, Applicant has submitted several additional claims for reconsideration by the Examiner. These claims are submitted to be patentable over the references of record at least because they depend from a shown to be allowable claim as well as based upon their own recitations. In particular, none of the cited references teach or disclose a sub frame as defined in claims 5, 6, 10, 16 and 17.

Accordingly, Applicant respectfully requests reconsideration of each of the outstanding rejections, consideration of the newly submitted claims and an indication of the allowability of all the claims pending in the present application, in due course.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has amended the pending claims for clarity and not in view of the prior art. Applicant has further submitted a number of additional claims for consideration by the Examiner. Applicant has also modified the language of the independent claim to overcome the Examiner's rejection under 35 U.S.C. § 112, second paragraph.

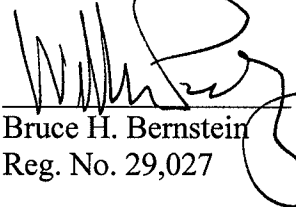
Applicant has discussed the disclosures of the references relied upon by the Examiner and has pointed out the shortcomings thereof with respect to the pending claims. Applicant has additionally discussed the limitations of the claims pending in the present application and with respect to such limitations, noted the shortcomings of the references with respect thereto. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully requests an indication to such effect, in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

P23905.A04

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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March 13, 2007
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